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April 9, 2008

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Serial No. 09/748,359
Entitled "System and Method for Facilitating Selection of Benefits"
Attorney Docket No. CLC 00.02

Dear Sir:

Enclosed for filing in connection with the above-referenced application are the following:

- 1) Petition for Suspension of the Rules Under 37 C.F.R. 1.183 (3 pages);
- 2) Statement of Facts In Support of Petition Under 37 C.F.R. 1.183 (2 pages), with Exhibit 1 attached thereto comprising a Letter Dated April 8, 2008 (2 pages) attaching a Declaration Under 37 U.S.C. 1.131 (16 pages), and accompanying bound packet of Exhibits A through KK (**FILED UNDER SEAL – PROPRIETARY – SUBMITTED FOR CONSIDERATION UNDER M.P.E.P. § 724**); and
- 3) Petition to Expunge Information Under 37 C.F.R. 1.59 In The Event the Declaration Under 37 C.F.R. 1.131 Filed under Seal Is Not Accepted by the Patent Office (2 pages).

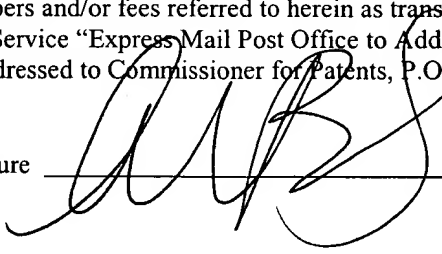
EXPRESS MAIL CERTIFICATE (37 C.F.R. § 1.10)

Express Mail Label No. EV80681719645

Date of Deposit April 9, 2008

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Alison B. Weisberg

Signature 

Commissioner for Patents
April 9, 2008
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Please note that, simultaneously with the filing of this petition, the Declaration Under 37 C.F.R. 1.131 that is the subject of this petition is being filed along with an Amendment in response to the outstanding Office Action.

Kindly acknowledge receipt of these documents by returning the enclosed self-addressed stamped postcard to the undersigned.

The Commissioner is hereby authorized to charge any fees required in connection with this filing or credit any overpayment to Deposit Account No. 50-0310. A duplicate of this authorization is enclosed.

Very truly yours,



Alison B. Weisberg
Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of: Lencki et al.

Attorney Docket No.: CLC 00.02

Serial No.: 09/748,359

Filed: 12/26/2000

For: System and Method for
Facilitating Selection of
Benefits

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PETITION FOR SUSPENSION OF THE RULES UNDER 37 C.F.R. §1.183

Applicants hereby petition the Commissioner of Patents to suspend the rules and allow for the submission and consideration of a declaration under 37 C.F.R. § 1.131 in connection with the above-referenced application without being executed by all of the inventors.

The above-referenced application currently stands rejected by the patent office by way of an Office Action issued October 9, 2007. In response to the same, applicants seek to submit, *inter alia*, a declaration under 37 C.F.R. § 1.131.

A declaration under 37 C.F.R. § 1.131 was prepared and sent to the inventors for review and execution by the assignee of record, Choicelinx Corporation. A copy was sent to the last known addresses of each of the inventors, to their email addresses where known, and to their counsel if any. See attached Statement of Facts in Support of Petition Under 37 C.F.R. § 1.183 ("Statement"), paragraphs 4 and 5, which Statement is incorporated herein by reference.

Fewer than all of the inventors executed the Declaration. See Statement, paragraph 6.

The date of the filing of this Petition is the last day for responding to the October 9, 2007 Office Action, including a petition for a three-month extension of time.

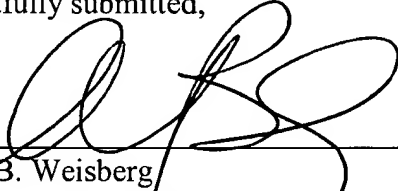
At least by virtue of the document pursuant to which each of the inventors assigned their rights in the invention to the owner Choicelinx Corporation (recorded at Reel 0113961/Frame 0536), see Statement, paragraph 2, the inventors were obligated to execute the Declaration, assuming it met with their approval.

In view of the six-month deadline for responding to the action, the applicants are left with no recourse but to submit the declaration under 37 C.F.R. §1.131 without being executed by all of the inventors. Fairness requires that the Commissioner use his power to issue a suspension of the rules in this case so that the declaration under 37 C.F.R. §1.131 be accepted by the Patent Office without the signature of all of the inventors. See M.P.E.P § 715.04(I).

Applicants respectfully request that this Petition be reviewed in a timely manner. Please contact the undersigned attorney with any questions or comments regarding this Petition.

Please charge any fees required in connection with this Petition, including the fee required under 37 C.F.R. §1.17(h), to Deposit Account No. 50-0310.

Respectfully submitted,

April 8, 2008 By: 
(Date)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lencki et al.

Attorney Docket No.: CLC 00.02

Serial No.: 09/748,359

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For: System and Method for
Facilitating Selection of
Benefits

Statement of Facts in Support of Petition Under 37 C.F.R. § 1.183



Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

I, David A Gordon, hereby declare:

1. I am making this statement of facts in support of a Petition Under 37 C.F. R. § 1.183 Requesting Waiver of the Signature of an Inventor on a Declaration Under 37 C.F.R. § 1.131.
2. I am the President of Choicelinx Corporation, the assignee of the above referenced application by way of the assignment recorded at Reel 0113961/Frame 0536.
3. In connection with the prosecution of this application, Choicelinx seeks to submit a Declaration Under 37 C.F.R. § 1.131.
4. On April 8, 2008, I forwarded to each of the inventors, Patrick Miller, Chris Henchey and Donna Lencki, the declaration for their review and signature. A copy of my letter and the attached declaration is attached hereto as Exhibit 1. The letter was sent to the last known addresses of Patrick Miller, Chris Henchey and Donna Lencki, as set forth in my letter, as well as to the email addresses I know to be used by Patrick Miller and Donna Lencki, as well as to counsel for Chris Henchey and Donna Lencki (via email and hand delivery). I am not aware of an email address currently used by Chris Henchey, nor am I aware of any counsel representing Patrick Miller. Patrick Miller refused to accept my attempted hand delivery of the package.
5. My April 8th letter asked that each of the inventors provide any comments or changes they may have to the declaration to Don Perreault and, if the declaration met with their approval, to execute the same and return it to Alison Weisberg.
6. Don Perreault informed me that, as of the time of my signing of this declaration, none of the inventors contacted him with any changes to the declaration. Alison Weisberg informed me that, as of the time of my signing of this declaration, none of the inventors had returned to her an executed copy of the declaration.

I declare that all statements made herein of my own knowledge are true and that all statements made on information from review of the file history of the patent application are believed to be true, and further that these statements were made with the knowledge that willful false statements or the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the patent application or any patent issued thereon.

Respectfully submitted,


David A. Gordon

Date: April 9, 2008